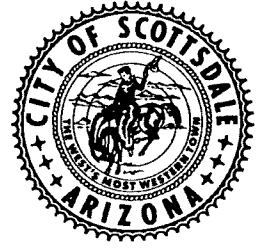


BOARD OF ADJUSTMENT REPORT



Meeting Date: 7/10/2019
Item No.: 4

ACTION

Sonder's Residence Number 2
2-BA-2019#2

Request to consider the following:

1. Request by owner for a variance to the City of Scottsdale Zoning Ordinance, Section Request by owner for a variance to the City of Scottsdale Zoning Ordinance, Section 3.100 pertaining to the definition and strict application of a front yard for a property with Single-family Residential (R1-35) zoning located at 7655 E. Cactus Rd.

OWNER / APPLICANT CONTACT

Robert Sonders
(720) 530-0567

LOCATION

7655 E Cactus Road

BACKGROUND

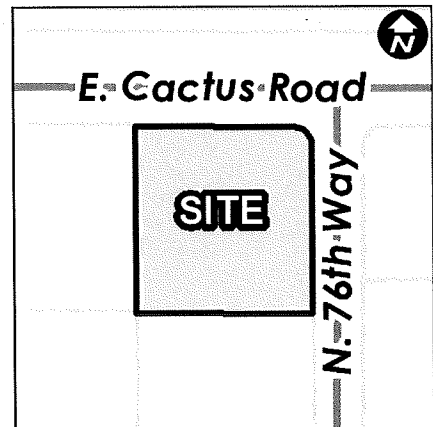
Site History

The subject site was annexed into the City of Scottsdale in 1962 through Ordinance No.165 and the City of Scottsdale R1-35 zoning was applied. In 1969, the original main residence and site walls appear on historical aerials, and the County Assessor's records identify the house having been constructed in 1961. This property is Lot 9 in the Desert Star Acres Unit 1 subdivision plat which went through the Maricopa County plat process and was recorded in January of 1960.

Prior permits issued for this property occurred in 2014 and 2015 for a residential remodel and a new swimming pool in the backyard, respectively. A fence permit was also issued in 2018 as part of variance case 2-BA-2018. The approval of that previous variance case also brought the entirety of the existing lot into conformance.

Case History

As a part of case 2-BA-2019, the applicant requested a variance to allow accessory buildings within a required front yard setback. Specifically, the applicant requested approval to construct an accessory structure along the Cactus Street frontage to be set back at least twenty-eight (28)



feet from the northern lot line. Case 2-BA-2019 was heard on April 3, 2019 and denied by a motion for denial with a six (6) – one (1) vote (see Attachment #6).

On May 15, 2019, the applicant requested permission, pursuant to the Rules of Procedure for the Board of Adjustment, Rule 406, to resubmit a new variance application containing a material change to the prior variance application. The request to consider a new application will be voted on by the board prior to hearing the 2-BA-2019 #2 case.

Zoning/Development Context

The subject site is zoned Single-family Residential (R1-35) and is located at the southwest corner of N. 76th Way and E. Cactus Road, Lot 9 in the Desert Star Acres Unit 01 subdivision.

Adjacent Uses and Zoning

- North: Buenavante subdivision, zoned Single-family Residential (R1-35 PCD); existing single-family residence.
- South: Desert Star Acres Unit 01 subdivision, zoned Single-family Residential (R1-35); existing single-family residence.
- East: Desert Star Acres Unit 01 subdivision, zoned Single-family Residential (R1-35); existing single-family residence.
- West: Desert Star Acres Unit 01 subdivision, zoned Single-family Residential (R1-35); existing single-family residences.

Zoning Ordinance Definition and Requirements

The following Zoning Ordinance definitions are critical to understanding how development standards are applied and can fluctuate, for both the subject and adjacent properties, when altering any of these definitions or applications:

Yard, front is a yard on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The front yard of a residential corner lot is the yard adjacent to the shorter street frontage. The front yard of a commercial corner lot is the yard adjacent to the major street as determined by the Zoning Administrator. [Z.O. Section 3.100]

Lot, key shall mean a lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and facing on the street which forms the side boundary of the corner lot. [Z.O. Section 3.100]

Rear line/plane: The entirety of the lot which is beyond the farthest most point of the main house, including any attached additions, when measuring from the shorter (or legal) front yard as the starting point. [paraphrased – see Attachment #7]

Pursuant to Sections 5.204.E.1.a. and 5.204.E.1.c. of the City of Scottsdale Zoning Ordinance, "There shall be a front yard having a depth of not less than forty (40) feet along both frontages, except that a corner lot *not abutting a key lot* may place accessory structures which need only

meet the side yard requirement of fifteen (15) feet in the front yard facing the “side street” (which is typically interpreted as the longer street frontage).” The Zoning Administrator interpretation (Attachment #7) clarifies that that an encroachment allowance up to the required side yard along the longer frontage only applies once past the rear line/plane of the house.

Code Enforcement Activity

There has been no recent code enforcement activity at the subject site.

Community Input

City of Scottsdale hearing postcards were sent to properties within 750 feet of the subject site. As of the writing of this report, staff has not received any written comments regarding this application.

Discussion

The applicant is requesting a variance from the definition of the front yard (colloquially and hereinafter referred to as the “legal front” where multiple frontages exist), which would impact setback requirements. The request would result in N. 76th Way acting as the legal front instead of the current legal front along E. Cactus Road, despite their respective lengths.

In the case of the subject property, changing the legal front to 76th Way would:

1. Make the subject lot a key lot relative to the parcel to the west.
 - a. This would restrict, relative to corner lots which don’t abut a key lot, what the subject lot could do, but is no more restrictive than what can currently be done along Cactus Road with it being the existing legal front (i.e. the existing 40 foot setback entirely along Cactus without exception).
2. Make the lot to the south a key lot relative to the subject lot.
 - a. This would further restrict what that property owner could do with accessory structures and walls, fences, and hedges in their longer front yard fronting 76th Way. That lot (Lot 8 of Desert Star Acres) would not be able to place accessory structures or wall-type structures closer than the 40 foot setback, whereas now they need only comply with the side yard requirement of 15 feet along 76th Way *once past the rear plane of the house* (i.e. north of the northernmost point of the existing house in this case).

The option(s) which would provide maximum flexibility and least restrictive application of development standards, within the confines of existing pertinent definitions, would require the Board to:

1. Grant the variance redefining the legal front for the subject lot.
2. By separate application, hearing, and action, strike out or omit language requiring stricter standards when abutting a key lot per 5.204.E.1.c., to be applied to both the subject lot and the lot to the south at 7620 E. Paradise Drive. This essentially exempts these

properties from adhering to key lot restrictions, allowing the subject lot to encroach not only into the existing western side yard (which would become the rear yard and less restrictive for accessory structures), but also build accessory structures as close as 15 feet to the existing northern front yard (which would become the non-legal front). In that scenario, the owner could only build as close as 15 feet to Cactus Road once past the rear plane of the house, which pending variance approval means a location west of the existing house's westernmost point.

3. By separate application, hearing, and action, deem the southern lot's (7620 E. Paradise Drive) existing roughly-six foot wall as legally conforming by way of Action 2 above or a separate action. Absent either this specific action or omitting key lot requirements for 7620 E. Paradise Drive, this wall will become legally non-conforming by being a wall over 3 feet in height in a required front yard abutting a key lot.

Discussion excerpt from previous related case (2-BA-2019)

Because the current request does not have an official associated scope of work, the following excerpt from the previous report helps illustrate the kinds of practical outcomes which can occur with a successful variance (e.g. modifying a legal front almost exclusively impacts the placement of walls and accessory structures). Although the following may not directly apply to the current express request by the applicant, it provides context for how we arrived at the current modified request.

The applicant wishes to construct a detached garage within the required forty (40) foot front yard setback along E. Cactus Road, to allow maneuverability for a fifth-wheel camper. Previously a 25-foot wide Future Roadway Easement existed along the northern boundary of the property, which was abandoned by case 12-AB-2016. The result of that abandonment was the dedication of a 1-foot wide Vehicular Non-Access Easement (VNAE), a 4-foot wide Water and Sewer Facilities Easement, and a 10-foot wide Public Non-Motorized Access Easement along Cactus Road. Because of the VNAE, the only permitted access is off of 76th Way.

Other properties along Cactus Road have proceeded with wall height variance requests along Cactus Road and have achieved approval, such as the property at 12180 N 76th Ct through case 8-BA-1996, but a property at 12056 N 74th Place was denied a variance request (14-BA-1996). Additionally, previous wall height variance cases have been approved along Cactus Road west of Scottsdale Road (15-BA-2006 and 14-BA-2006). The subject property has also recently received a variance for wall height in a required front yard along Cactus Road (case 2-BA-2018). Although this current request does not pertain directly to wall height in a required front yard, the existing pattern of development, through these other approved walls, potentially reduces the visual impact of the proposed structure.

An additional area of consideration is the prevalence of both "key lot" and standard lot layouts along this corridor, which dictates where accessory structures can be placed along Cactus Road. A key lot is defined in the Zoning Ordinance as: *a lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and facing on the street which forms the side boundary of the corner lot.* The general premise is to ensure that front yard setbacks are

reasonably congruent across a corridor of properties, despite which front is the legal (i.e. shorter) front.

As referenced in the above code sections, *"On a corner lot which **does not abut a key lot** or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street."* A related January 21, 2005 staff interpretation allows lots not abutting a key lot to place accessory structures in the longer front, provided the structures adhere to the required side yard requirement (15 feet in R1-35), subject to that interpretation's details. Though this does not directly apply to the subject lot, it does indicate the opportunity for some nearby lots along Cactus to place accessory structures as close as 15 feet to Cactus Road.

VARIANCE CRITERIA ANALYSIS

1. That because of special circumstances applicable to the property including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district:

Applicant Statement:

The current front yard defined as Cactus Road, for the referenced property, could be represented as a side yard configuration due to all access for the residence is situated from a 76th Way access point. All Cactus Road access points are no longer used and are scheduled for removal by the City of Scottsdale at some point in the future, per the City's discretion. A previous 25ft roadway easement has been officially abandoned. (ABN. 17/0746118). Also, a previous variance, for a 6-foot wall height along Cactus Road was granted (case number 2-BA-2018).

This variance request will simply define 76th Way property line as the true property frontage and define Cactus Road property line as side yard.

Staff Analysis:

The subject property is similar in lot size and topography compared to the other R1-35 zoned properties in the area. The subject property is located at the southwest corner of N. 76th Way and E. Cactus Road. This lot is rectangular and is of similar size and configuration of the surrounding lots. The shorter frontage of this lot faces E. Cactus Road which is defined as the primary frontage based on the *yard, front* definition from section 3.100 of the Zoning Ordinance. This lot is also a corner lot, requiring a forty (40) foot setback for the main residence on the lot along both street frontages.

The legal (shorter) front yard definition does not consider things like location of driveway access as factors. The shorter front being the defining factor better ensures that typical lot configurations are anticipated for things like commonly placed structures (e.g. tall walls, sheds, and other structures often being placed in the rear) and having standards which anticipate and reflect those common occurrences. This also provides a city-wide system of

congruent and consistent application of standards, without having to account for ancillary and less impactful factors such as which street a house is addressed under or which street is more trafficked.

Though the dimensions of each frontage of the subject property are only negligibly different, there is complexity in retroactively altering a pre-determined and long-standing layout of these four lots on this block that makes simply flipping legal fronts a more impactful undertaking than visible at face value. This is a holistic overview and does not suggest that altering the front of one lot would have any wide-reaching effects beyond the immediate vicinity, but it can be used to determine whether which street has driveway access (or any other non-ordinance factors), which may constitute a special circumstance.

- 2. That the authorization of the variance is necessary for the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district, and does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located:**

Applicant Statement:

A single 76th Way front yard will align property with all other corner lots in the same zoning district. A single front access point of the residence. These property owners enjoy the fulfillment of their respective properties by utilizing their property to its maximum potential. This variance is simply asking for the same privileges and rights as existing homeowners in the area.

Staff Analysis:

The R1-35 zoning district allows for primary use as a single-family residence. Regardless of the outcome of this variance request, the existing structure can continue to function as a single-family residence. The originally constructed location and orientation of the house treats the N. 76th Way frontage as the primary frontage for access to the home, which conflicts with the orientation defined by the Zoning Ordinance.

Irrespective of the other criteria and any potential impacts on neighbors or additional setback encumbrances created, the variance would still result in the property maintaining one legal front and one other (side yard) front. However, the general and broad nature of the request to flip the legal front yard makes it difficult to assess which specific rights and privileges of others are currently lacking which would be resolved by way of a definition variance, or to definitively demonstrate that it will not constitute a special privilege.

- 3. That the special circumstances applicable to the property were not self-imposed or created by the owner or applicant:**

Applicant Statement:

The requested variance was not self-imposed. The original property was built in the year 1961. The alignment of the residence building structure on the lot was also not self-imposed. The previous widening of Cactus Road, many years ago, did directly encroach onto

the property. Allowing traffic noise to be closer to the residence. In fact, the removal of the driveway access directly to/from Cactus Road has increased the public traffic safety in the area. Previous access was removed from Cactus Road by the Roadway Easement abandonment, although the City concrete drive pans to remain. However, the concrete drive pans are to be removed by the City at a future date. A single frontage, access from 76th Way, is substantially safer to vehicle traffic on Cactus Road. The previous frontage entrance, from Cactus Road, was a traffic safety hazard.

Staff Analysis:

The subdivision plat was recorded with Maricopa County in 1960, and the area was later annexed into the city in approximately 1962. In 1969, the original main residence and site walls appear on historical aerials, and the County Assessor's records identify the house having been constructed in 1961.

One of the results of the associated abandonment case, 12-AB-2016, was the dedication of a 1-foot wide Vehicular Non-Access Easement along Cactus Road. This easement terminates the historical driveway access onto E. Cactus Road in line with the goals of the City's Design Standards and Policies Manual and the Transportation Master Plan. The primary existing access to the property is provided by N. 76th Way.

Identifying a legal front is mainly a means to determine the placement of structures (as opposed to relating to access). Because the sole factor which determines a legal front (lot dimensions) is arguably unrelated to property access points, it is unclear how the circumstance of access is analyzed against the definition of a legal front. As there are no structures being directly proposed with this updated request, it is difficult to discern what related circumstances exactly qualify as relevant special circumstances, and subsequently whether they're self-imposed.

4. **That authorization of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general:**

Applicant Statement:

At no point is the requested true front definition variance request a [detriment] to the persons residing or working in the area.

Staff Analysis:

Given that this proposal does not lay out a specific plan of development for which the variance is intended, we can only assess the situation in the abstract with the most extreme extent accounted for. Even under the presumption that the Board approves all Actions in the above **Discussion Section**, which would allow accessory structures as close as 2 feet to the (would-be) western rear setback and 15 feet to (would-be) northern non-legal front on Cactus Road beyond the rear plane of the house, that outcome would be no more impactful

for the Cactus corridor than the original previous proposal under 2-BA-2019 (which staff determined likely wouldn't "compound the issue of [visibility and safety]."

However, the current proposal has additional impacts on neighboring lots which the original did not, unless resolved by the Board via separate Actions listed above. The lots are currently laid out in the most beneficial way for all four on this block in terms of total buildable area, in that none are key lots. When subdividing properties, the City prefers to avoid creating key lots when possible, to both avoid superfluous self-imposed development restrictions and to encourage continuity of development along a street. Creating key lots after parcels are carved out can also retroactively create non-conformities on neighboring parcels, as would be the case with the wall on the southern neighbor's property.

The impact on adjacent properties is dependent upon how much relief the Board is willing to grant, with respect to the separate Actions listed above or any additional or modified ones. Simply and solely granting a variance to the definition and application of a (legal) front yard, will objectively impact the lot to the south, and may be otherwise materially detrimental. Because of the uniqueness and openness of this request and the breadth of options the Board has to grant relief, it is difficult to say with certainty the extent this variance and related determinations or Actions could have in the future when dealing with abutting properties in terms of assuring conforming construction, avoiding general confusion among unapprised staff and neighbors, and anticipating other unforeseen impacts. It is not expected that a variance would present a safety hazard for the area.

SUMMARY

Based on the facts presented by the applicant, the evidence would support a finding that the property may not have special circumstances that would warrant relief from the strict application of the Zoning Ordinance definitions and requirements. The size, shape, topography or configuration of the property is not unquestionably unique and applicable. Further, determining the extent of potential detriment to all persons residing or working in the surrounding neighborhood is significantly dependent upon how much relief is granted to other abutting properties and the subject property, given the broad nature of the request and breadth of potential Board actions. The decision about whether the criteria have been met is for the Board to make after hearing all the evidence at the hearing.

APPROVED BY



Casey Steinke, Report Author
480-312-2611, csteinke@scottsdaleaz.gov

6-25-19

Date



Brad Carr, AICP, Board of Adjustment Liaison
480-312-7713, bcarr@scottsdaleaz.gov

6.25.2019

Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

6/25/2019

Date



Randy Grant, Planning and Development Director
480-312-2664, rgrant@scottsdaleaz.gov

6/26/19

Date

ATTACHMENTS

1. Project Description & Justification
2. Context Aerial
3. Aerial Close-Up
4. Zoning Map
5. Proposed Site Plan
6. April 3, 2019 Approved Minutes
7. Corner Lot/Key Lot Interpretation

Type of variance requested, sections(s) of the Zoning Ordinance to be varied:

Owner response:

For the property located at 7655 East Cactus Road, Scottsdale AZ, define the single true front property line (east boundary) as 76th Way and define the Cactus Rd property line (north boundary) as side yard.

1. *That because of special circumstances applicable to the property including its size, shape, topography, location or surroundings, the strict application of the zoning ordinance will deprive such property of the privileges enjoyed by the other property of the same classification in the same zoning district:*

Owner response:

The current front yard defined as Cactus Rd, for the referenced property, could be represented as a side yard configuration due to all access for the residence is situated from a 76th Way access point. All Cactus Road access points are no longer used and are scheduled for removal by the City of Scottsdale at some point in the future, per the City's discretion. A previous 25ft roadway easement has been officially abandoned. (ABN. 17/0746118). Also, a previous variance, for a 6-foot wall height along Cactus Road was granted (case numbers 2-BA-2018, 156-PA-2018).

This variance request will simply define 76th Way property line as the true property frontage and define Cactus Rd property line as side yard.

2. *That the authorization of the variance is necessary for the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district, and does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located:*

Owner response:

A single 76th Way front yard will align property with all other corner lots in the same zoning district. A single front access point of the residence. These property owners enjoy the fulfillment of their respective properties by utilizing their property to its maximum potential. This variance is simply asking for the same privileges and rights as existing homeowners in the area.

3. *That the special circumstances applicable to the property were not self-imposed or created by the owner or applicant:*

Owner response:

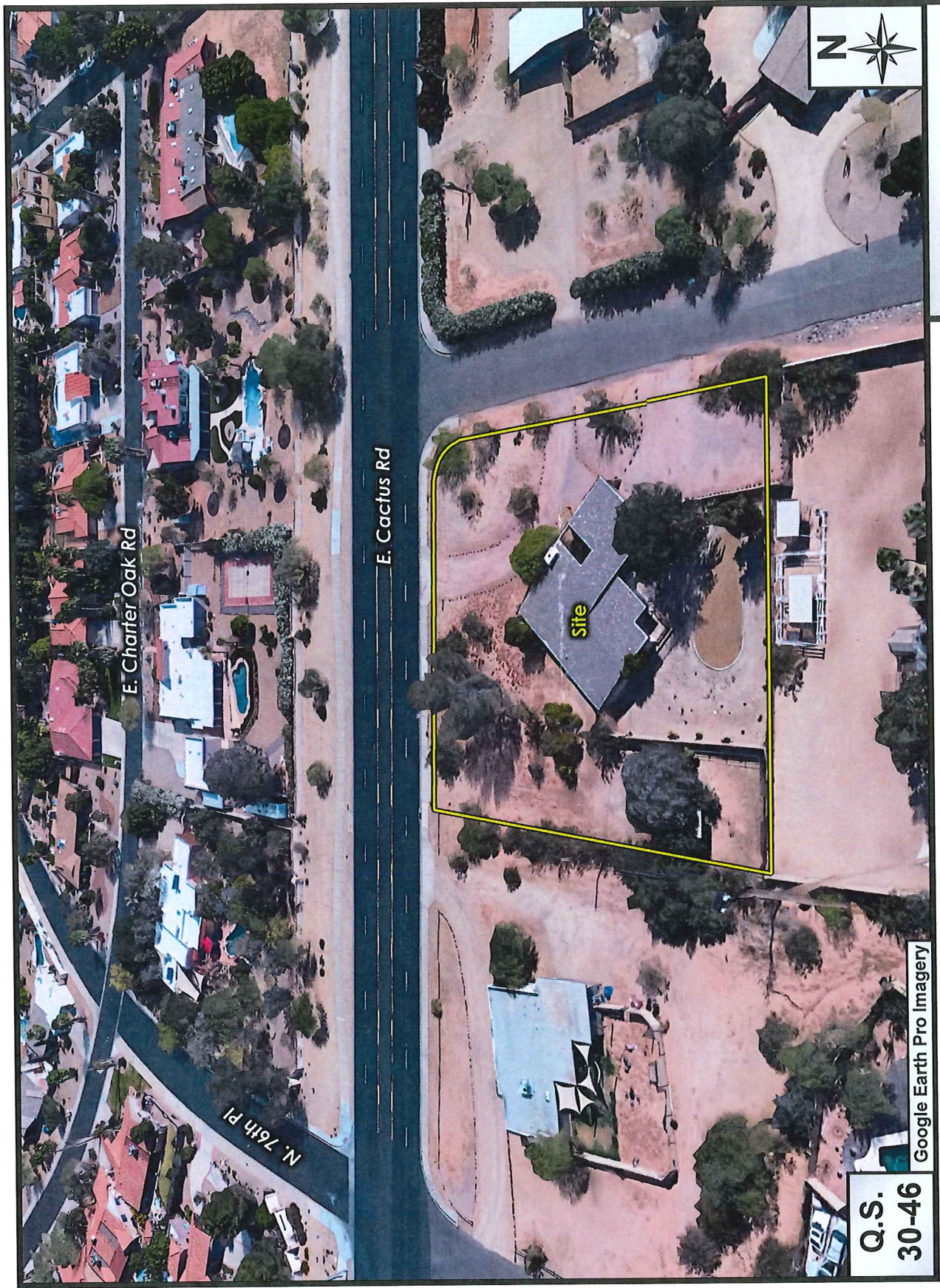
The requested variance was not self-imposed. The original property was built in the year 1961. The alignment of the residence building structure on the lot was also not self-imposed. The previous widening of Cactus Road, many years ago, did directly encroach onto the property. Allowing traffic noise to be closer to the residence. In fact, the removal of the driveway access directly to/from Cactus Road has increased the public traffic safety in the area. Previous access was removed from Cactus Road by the Roadway Easement abandonment, although the City concrete drive pans to remain. However, the concrete drive pans are to be removed by the City at a future date. A single frontage, access from 76th Way, is substantially safer to vehicle traffic on Cactus Road. The previous frontage entrance, from Cactus Road, was a traffic safety hazard.

4. *That authorization of the variance will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general:*

Owner response:

At no point is the requested true front definition variance request a determinant to the persons residing or working in the area.

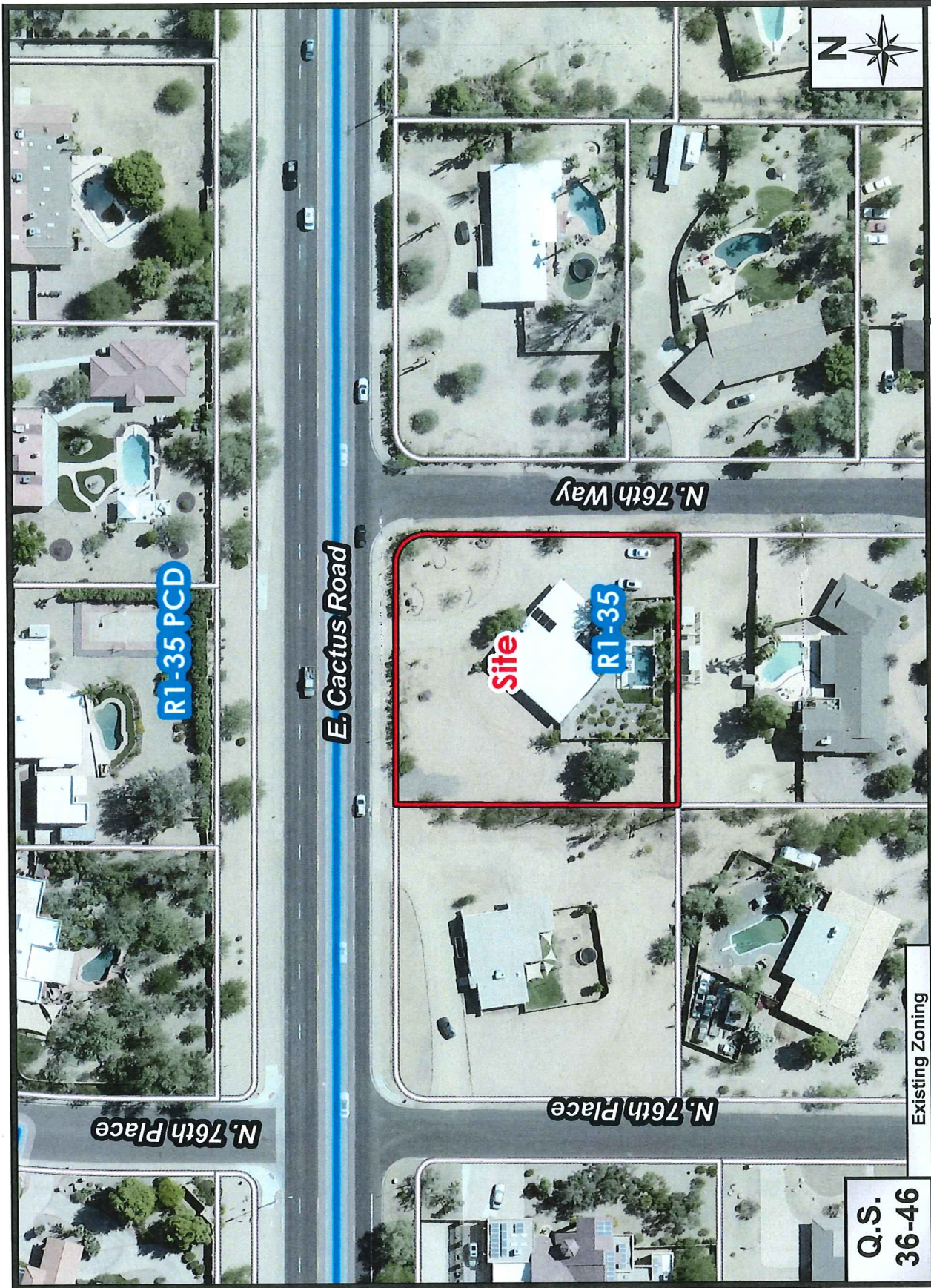
Robert F and Leslie E Sonders
7655 East Cactus Rd. Scottsdale AZ 85260
rob@sonders.com



2-BA-2019

Aerial Close-Up

Q.S.
30-46

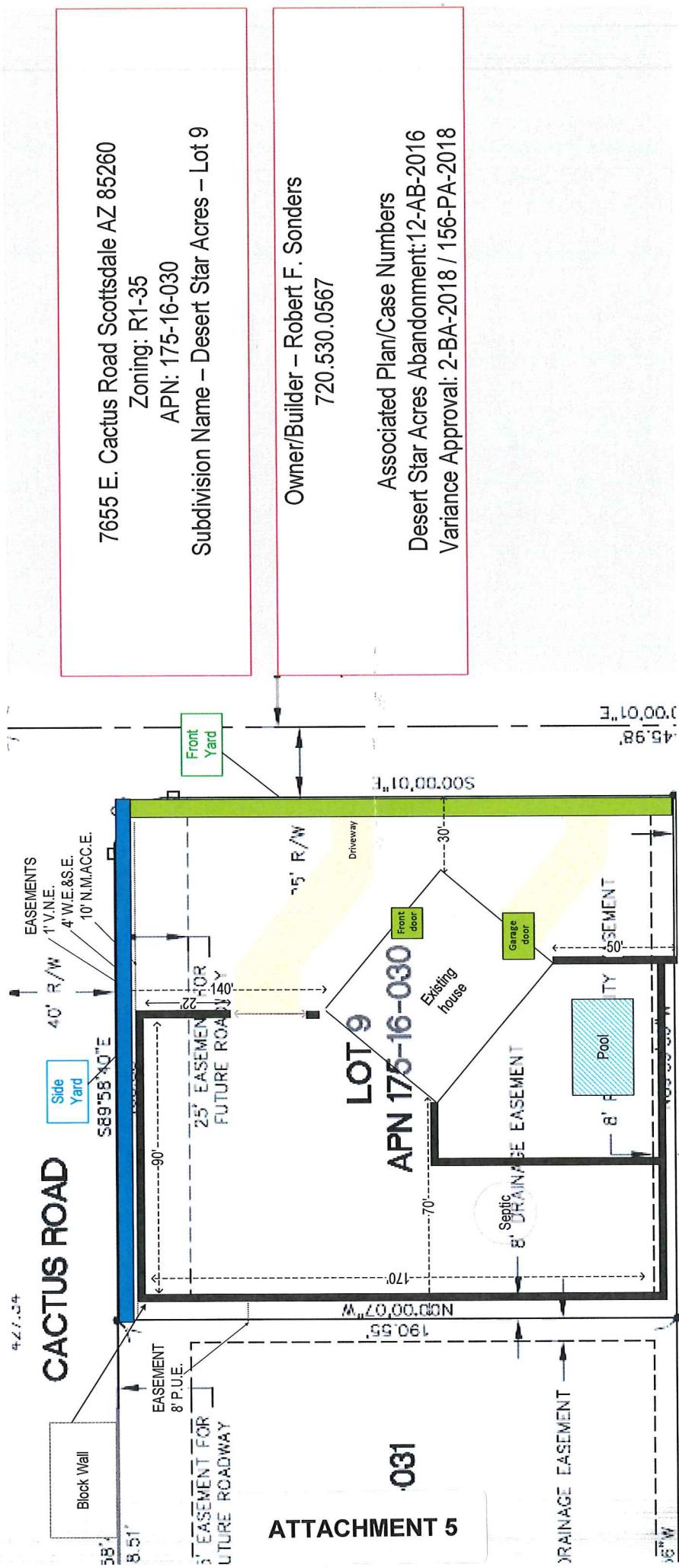


2-BA-2019

Existing Zoning

Q.S.
36-46

Zoning Map



7655 E. Cactus Road Scottsdale AZ 85260
Zoning: R1-35
APN: 175-16-030
Subdivision Name – Desert Star Acres – Lot 9

Owner/Builder – Robert F. Sonders
720.530.0567
Associated Plan/Case Numbers
Desert Star Acres Abandonment: 12-AB-2016
Variance Approval: 2-BA-2018 / 156-PA-2018



**SCOTTSDALE BOARD OF ADJUSTMENT
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA**

Wednesday, April 3, 2019

SUMMARIZED MEETING MINUTES

PRESENT: Paul Garry, Chair
Gary Donahoe, Vice Chair
Alper Adli, Board Member
Joseph Dawson, Board Member
Michael Gonzalez, Board Member
Brian Kaufman, Board Member
Jay Leopold, Board Member

ABSENT: All Present

STAFF: Brad Carr
Sherry Scott
Casey Steinke
Jeff Barnes
Steve Perone
Melissa Berry

CALL TO ORDER

The regular meeting of the Scottsdale Board of Adjustment was called to order by Chair Garry at 6:00 p.m.

ROLL CALL

A formal roll call confirmed all members present as stated above.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Board of Adjustment page on ScottsdaleAZ.gov, search "Board of Adjustment".

ADMINISTRATIVE REPORT

1. Identify supplemental information, if any, related to the April 3, 2019 Board of Adjustment agenda items, and other correspondence.

MINUTES

2. Review and possible approval of February 6, 2019 Board of Adjustment Regular Meeting Minutes.

BOARD MEMBER LEOPOLD MADE A MOTION TO APPROVE THE FEBRUARY 6, 2019 BOARD OF ADJUSTMENT REGULAR MEETING MINUTES AS PRESENTED, 2ND BY VICE CHAIR DONAHOE. THE MOTION CARRIED UNANIMOUSLY IN FAVOR BY CHAIR GARRY, VICE CHAIR DONAHOE, BOARD MEMBER ADLI, BOARD MEMBER KAUFMAN, BOARD MEMBER DAWSON, BOARD MEMBER LEOPOLD, AND BOARD MEMBER GONZALEZ WITH AN AYE VOTE OF SEVEN (7) TO ZERO (0).

REGULAR AGENDA

3. 2-BA-2019 (Sonders Residence Variance)

Request by owner for a variance to the City of Scottsdale Zoning Ordinance, Section 5.204.E.1.c. and Section 7.200.A.2. pertaining to accessory buildings in the required front yard for a property with Single-family Residential (R1-35) zoning, located at 7655 E. Cactus Road.

Applicant/owner: Buff Berg

BOARD MEMBER LEOPOLD MADE A MOTION TO DENY THE VARIANCE, 2ND BY VICE CHAIR DONAHOE. THE MOTION CARRIED BY CHAIR GARRY, VICE CHAIR DONAHOE, BOARD MEMBER DAWSON, BOARD MEMBER GONZALEZ, BOARD MEMBER ADLI, AND BOARD MEMBER LEOPOLD WITH AN AYE VOTE OF SIX (6) TO ONE (1) WITH BOARD MEMBER KAUFMAN DISSENTING.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Board of Adjustment page on ScottsdaleAZ.gov, search "Board of Adjustment".

4. 3-BA-2019 (Burke Garage)

Request by owner for a variance to the City of Scottsdale Zoning Ordinance, Section 5.504.E.1 pertaining to the required front yard, for a property with Single-family Residential (R1-7) zoning, located at 7338 E. Pierce Street.

Applicant: Gary Stubbs

Owners: Matthew Burke

BOARD MEMBER KAUFMAN MADE A MOTION TO APPROVE THE VARIANCE SUBJECT TO THE SITE PLAN SUBMITTED WITH THE APPLICATION AND ROOF LINE THAT DOES NOT EXCEED THE HEIGHT OF THE EXISTING HOUSE, 2ND BY VICE CHAIR DONAHOE. THE MOTION CARRIED BY CHAIR GARRY, VICE CHAIR DONAHOE, BOARD MEMBER DAWSON, BOARD MEMBER GONZALEZ, BOARD MEMBER KAUFMAN AND BOARD MEMBER ADLI WITH AN AYE VOTE OF SIX (6) TO ONE (1) WITH BOARD MEMBER LEOPOLD DISSENTING.

ADJOURNMENT

With no further business to discuss, the regular session of the Board of Adjustment adjourned at 7:28 PM.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Board of Adjustment page on ScottsdaleAZ.gov, search "Board of Adjustment".

ZONING INTERPRETATION RECORD

Subject of Interpretation:

Required setbacks for accessory buildings on corner lots in R1-10, R1-18, R1-35, R1-70, R1-130, & R1-190 zones

Zoning Ordinance Section Number:

5.010, 5.020, 5.030, 5.100, 5.200, & 5.300

Title of Section:

Single-Family Residential District

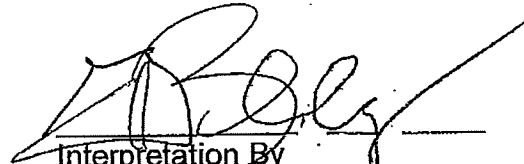
Cause for Interpretation:

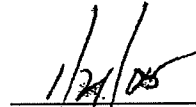
The original zoning interpretation, dated 5/4/01, quotes Sec. 5.204.E.1.c, which states "on a corner lot, the required yard of (see specific zoning category) must be provided on both streets. No accessory building shall be constructed in a front yard. Exception: On a corner lot which does not abut a key lot, accessory buildings may be constructed in the yard facing the side street." It includes a diagram for clarification, but the diagram does not show a scenario where the accessory building is located behind the rear line of the main residence. This interpretation seeks to address that scenario and is only meant to serve as an amendment to the original interpretation. It is not meant to supercede or overturn the original interpretation.


Interpretation:

The original interpretation requires accessory buildings on corner lots, regardless of their location on the property, to meet the required front yard setback on the side street; however, there is another zoning interpretation that allows block walls on the property line on side street frontages where the lot does not abut a key lot. Allowing a block wall on the property line effectively eliminates the desired intent of the accessory building interpretation, which is to provide sufficient space between structures and streets, promote open space, and prevent "clutter" or excessive massing along streets. It is still imperative to maintain some sense of separation between buildings and streets, not only for aesthetic character, but also for public safety. Therefore, the following shall serve as an addendum to the original zoning interpretation: Accessory buildings will be allowed in the yard facing the side street frontage, but will still be subject to the minimum side yard setback, as required by the applicable zoning district. For example, an accessory building on a lot zoned R1-43 must be setback a minimum distance of 20' from the property line, as opposed to the 40' front yard setback required for the main residence. This is applicable to side street frontages only. Accessory buildings must still meet the required front yard setback on the legal, or narrowest, street frontage as defined by ordinance. Any accessory building adjacent to a side street frontage, must be located behind the rear line of the main

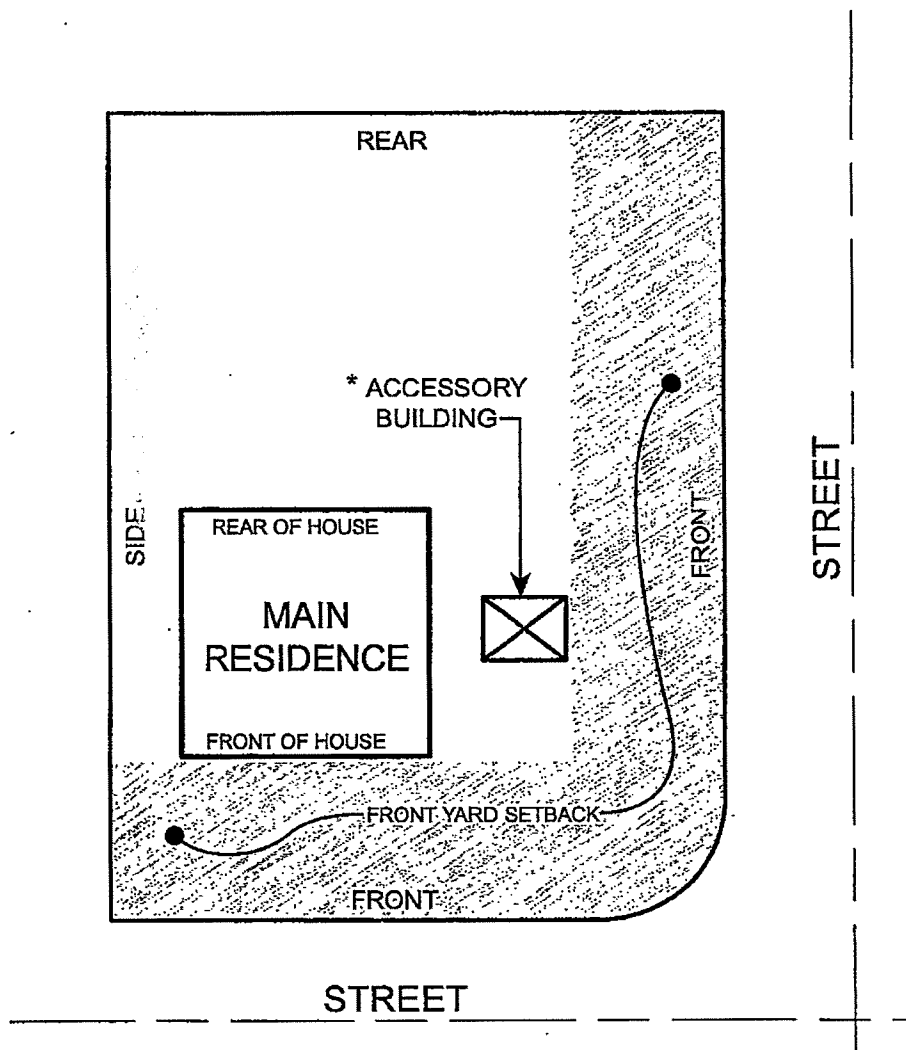
residence. If the accessory building is located between the front and rear lines of the main residence (refer to original diagram), it must meet the required front yard setback. This interpretation does not apply to subdivisions with amended development standards, where the front yard has been reduced, or metes & bounds parcels. It also does not apply to the main residence. Accessory buildings on lots adjacent to key lots must still meet the required front yard setback as required by that zoning district.


Interpretation By
Greg Bloemberg
Associate Planner

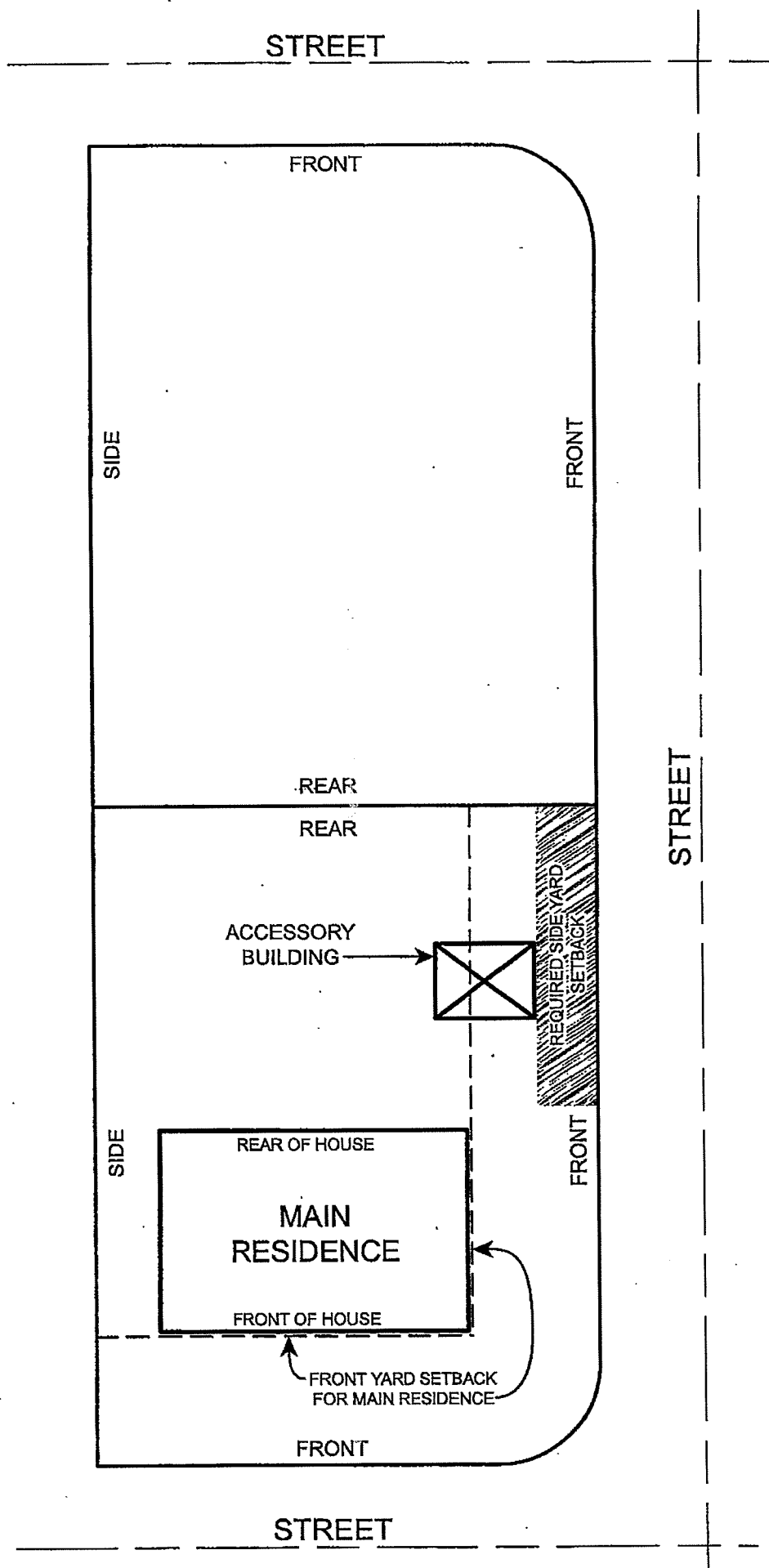

Date
January
21, 2005


Approved By
Randy Grant,
Chief Planning Officer

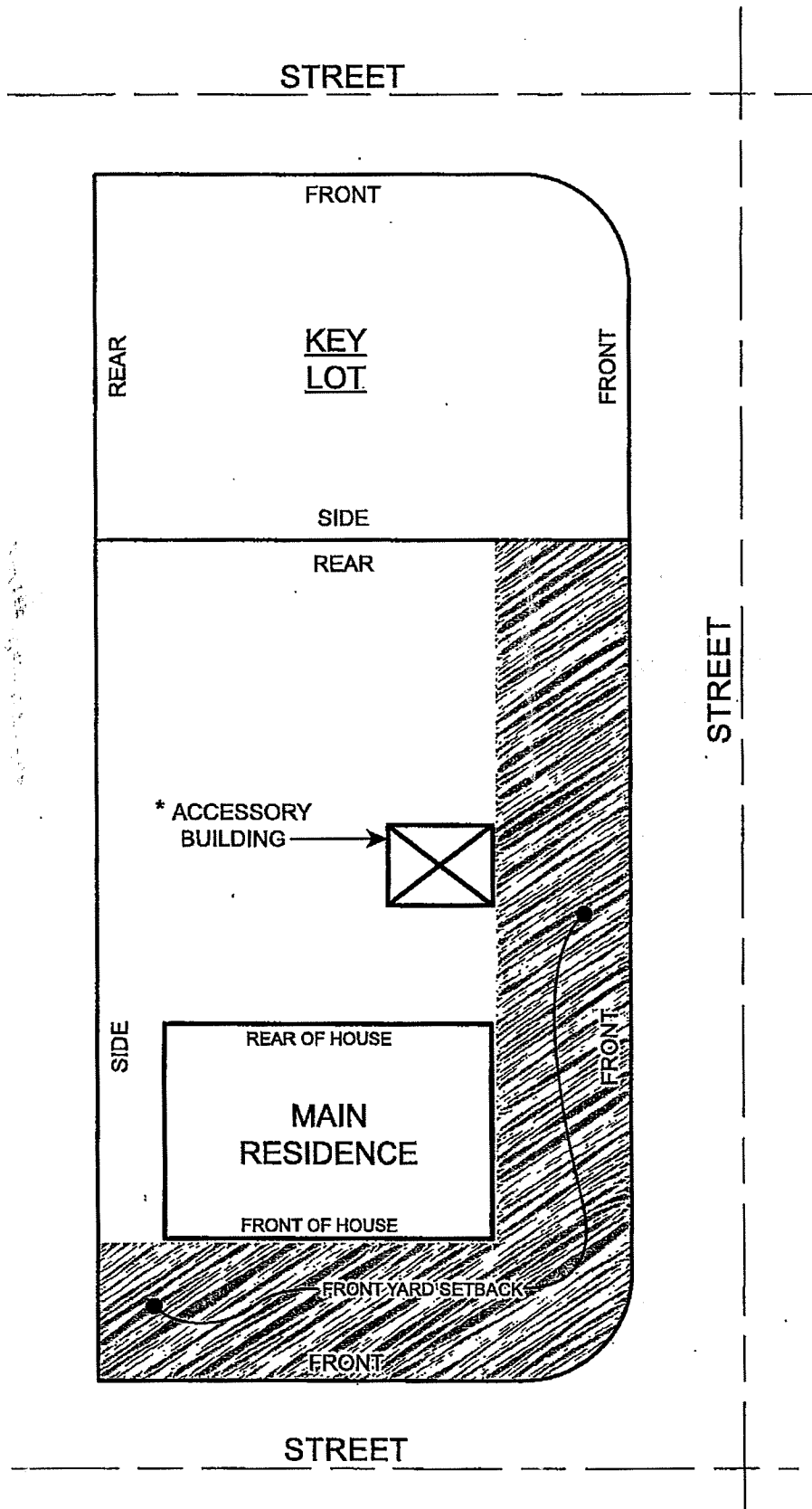
ACCESSORY BUILDINGS



* IF AN ACCESSORY BUILDING IS LOCATED BETWEEN THE FRONT AND REAR LINES OF THE MAIN RESIDENCE, IT MUST MEET THE REQUIRED FRONT YARD SETBACK



**STANDARD
CORNER LOT**



KEY
LOT

* ACCESSORY BLDG.
MUST MAINTAIN THE
REQUIRED FRONT
YARD SETBACK